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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

FRANCISCO L. HERRERA, and JOANNA  
HERRERA, CO-WRONGFUL DEATH  
REPRESENTATIVES, for the exclusive  
benefit of the beneficiaries of MONICA  
HERRERA, deceased, who have sustained  
damages from her wrongfully caused death.

Plaintiffs,

vs.

GREGORY BUCKINGHAM and DEBORAH  
BUCKINGHAM, but in their individual capacities as  
Trustees of the BUCKINGHAM FAMILY TRUST;  
and, GREGORY BUCKINGHAM and DEBORAH  
BUCKINGHAM as individual defendants; and,  
WYOMING MECHANICAL, INC. a Wyoming  
Corporation;

Defendants.

Case No. 15-cv-128-F

**PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE ENTERED BY THE  
COURT ON SEPTEMBER 19, 2016**

Come now Plaintiffs and in response to the Order to Show Cause entered by the  
Court on September 19, 2016, show the Court as follows:

1. With regard to Wyoming Mechanical's Motion for Partial Summary  
Judgment on Plaintiff's Claim for Punitive Damages (Doc. 120), Plaintiffs concede that it

is unlikely a jury will find that Wyoming Mechanical's negligent participation in the events leading to Mrs. Herrera's death rise to the legal level of willful and wanton misconduct.

2. Wyoming Mechanical's negligent conduct did, however, contribute to the death of Monica Herrera as alleged by Plaintiffs.

3. In response and opposition to Defendant Triangle Tube's Motion for Summary Judgment as to Plaintiffs' Strict Liability Claims Against Triangle Tube (Doc. 128), Plaintiffs have filed the Affidavit of Bernard R. Cuzzillo (Doc. 140) that describes in detail the unreasonably dangerous defects in the Triangle Tube boiler that caused the death of Mrs. Herera.

4. In response and opposition to Defendant Triangle Tube's Motion for Partial Summary Judgment as to Plaintiffs' Claim for Punitive and Exemplary Damages (Doc. 126), Plaintiffs refers the Court to the Affidavit of Bernard R. Cuzzillo (Doc. 140) describing the same defective and dangerous operation of the boiler; and, the fact that Triangle Tube has known for years of its defective operation, but has chosen not to repair the prolonged defects.

5. With regard to Triangle Tube's argument that Plaintiffs have failed to conduct discovery of Defendant's financial condition (Doc. 126, page 19), Plaintiffs refer the Court to another document filed herein where Plaintiffs have addressed this same argument, which is in Document 141, directly below:

"Defendant DuraVent's Motion for Summary Judgment," Argument B, pages 2-4, (Doc. 141).

Respectfully submitted on this 20<sup>th</sup> day of September, 2016.

\_\_\_\_\_/s/  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 20<sup>th</sup> day of September, 2016, he caused the above initial disclosure to be served upon the defendants as follows:

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